

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NICOLE HARRIS,

Plaintiff,

Case No. 06-10038

v.

Hon. John Corbett O'Meara

YPSILANTI POLICE OFFICER  
DAVID GILLAHAN, *et al.*,

Defendants.

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**ORDER OF PARTIAL DISMISSAL**

On January 4, 2006, Plaintiff filed her complaint, which sets forth seven counts: Count I, violations of 42 U.S.C. § 1983 by the individual Defendants; Count II, assault and battery; Count III, intentional infliction of emotional distress; Count IV, false arrest and imprisonment; Count V, gross negligence; Count VI, violations of 42 U.S.C. § 1983 against the City of Ypsilanti; and Count VII, supervisory liability pursuant to 42 U.S.C. § 1983. Although Counts I, VI, and VII are cognizable in this court pursuant to 28 U.S.C. § 1331, Plaintiff's remaining claims arise under state law. Pursuant to 28 U.S.C. § 1367(c), a district court may decline to exercise supplemental jurisdiction over state law claims raised in federal question cases. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Because Plaintiff does not assert diversity jurisdiction under 28 U.S.C. § 1332, this court declines to exercise supplemental jurisdiction over Plaintiff's state law claims.

Accordingly, IT IS HEREBY ORDERED that Counts II, III, IV, and V of Plaintiff's complaint are DISMISSED.

s/John Corbett O'Meara  
John Corbett O'Meara  
United States District Judge

Dated: January 24, 2006